

Nutrient Management Regulatory Program

DCR's Nutrient Management Program

- The Nutrient Management Program in Virginia is a **voluntary** program for both **agricultural** and **urban land**.
- Other Regulatory Programs require a nutrient management plan as a part of their regulations.

Virginia Programs Requiring Nutrient Management Plans

- DEQ Virginia Pollution Abatement (VPA) permits
- DEQ Poultry Waste Management permits
- DEQ VPDES permits
- DEQ Biosolids Regulations
- DEQ Municipal Waste and Industrial Waste permits
- DEQ Water Reclamation and Reuse Regulations

Virginia Programs Requiring Nutrient Management Plans

- Chesapeake Bay Preservation Act
- DCR Ag BMP Cost-Share Program
 - Animal waste storage structures
 - Nutrient management practices
- VA Ag BMP Income Tax Credit
- VA Precision Nutrient & Pesticide Application Equipment Income Tax Credit

Nutrient Management Training and Certification Regulations - Guiding Philosophy

- Current NM T&C Regs do not require farmers to have NMP's
 - However, it is in the farmer's best interest to make every effort to implement the plan
- DCR Regulations developed baseline standards for NMP content and technical criteria.
- NMP's required by other laws and regulations may specify additional more restrictive content and/or criteria.
- Allows for “add ons” based on existing or future laws, regulations or programs.

DCR Nutrient Management Guidance Documents

- May be written clarify technical criteria or procedures to support consistency of plan development among planners
- May be used to address situations unforeseen when training and certification program was developed or to address new laws.
- May provide for interpretation of broader requirements in underlying laws or regulations related to nutrient management plans.

VA Pollution Abatement (VPA) permits



- Required for farms having 300 or more animal units (A.U.) of livestock in confinement more than 90 days
- 300 A.U. = 300 beef cattle
= 200 dairy cattle
= 750 swine over 55 lbs. each
- DEQ issues and enforces permit
- DCR approved NMP required for each permitted farm

VPA Permit Requirements

- NMP is enforceable part of permit
- DEQ personnel inspect farms
- Manure storage requirements to address:
 - no discharge unless greater than a 24 hour - 25 year storm event
 - times when application won't occur when crop uptake is limited, saturated ground, or frozen ground
- Manure spreading setbacks from rock outcrops, streams, wells, etc. (see NMP Special Conditions for VPA Permit Plans)
- Farmer record keeping required for manure application fields (when, how much, crops)
- DCR plan approval letter must be filed with DEQ
- Nitrogen and Phosphorus based NMP's are required as of 1/1/2006.

Poultry Waste Management VPA Permits

- Became effective 10/1/2001
- Impacts all poultry farms with at least 200 animal units
 - 20,000 broilers
 - 11,000 turkeys
- Similar requirements as other VPA permits
- DCR approved NMP required
- Poultry litter storage requirements in NMP
- Growers had to have P based NMP's beginning 10/1/2001



VPDES (Virginia Pollutant Discharge Elimination System) Permits for Concentrated Animal Feeding Operations

- Required for confined animal feeding operations that have had a discharge violation or other serious violation of a VPA permit.
- Operations with more than 1000 animal units
- Similar requirements as VPA permits, but can be enforced by either the state DEQ or U.S. E.P.A.
- More detailed farmer record keeping requirements

NMP Special Conditions for VPA & VPDES Animal Waste and Poultry Permits

- Address nutrient management issues relevant to all animal waste permits.
- More specifically explains requirements of animal waste laws and regulations as part of the NMP narrative, 4 VAC50-85-140-2. c. (3)
- Contains enforceable language, 4 VAC 50-85-110
- Special conditions must be inserted as worded for NMP's written for VPA animal waste and poultry waste permits to be approved. 4 VAC50 85-110-4
- DCR reserves right to amend special conditions for future plans or for specific NMP's based on site conditions or farm compliance problems.

Biosolids Use Regulation (Treated Sewage Sludge)

- Administered by Dept of Environmental Quality
- Permits held by land application contractor
- Land application requires NMP's.
- Most permits are for “infrequent application” = no more than once every 3 years, or for less than 50% of agronomic rate
- “Frequent application” permits are more restrictive - additional monitoring, require an approved NMP.



Biosolids Changes

- New Biosolids Regulations were presented to SWCB in Dec. 2009, and approved in 2013
- Law changes require Biosolids Regulations to require NMP's on all application sites.
- Localities are now able to be reimbursed by state collected permit fees to hire biosolids monitors to observe and inspect biosolids land application activities, including soil and sludge sampling.

Biosolids Changes

- NMP requirement in VDH regulation became effective 12/17/07 and the Program was transferred to DEQ
- “A nutrient management plan shall be developed for all application sites prior to biosolids applications” (12 VAC 5-585-630A.2.)
- DCR Approved plans for application sites:
 - Applications that are more frequent than once every three years or at >50% annual agronomic rate
 - Owned or operated in conjunction with a CAFO
 - Site Specific conditions which impact Water Quality

Municipal Waste and Industrial Waste VPA Permits

- Administered by DEQ.
- Sewage treatment plant owner or industrial waste generator holds permitted acreage.
- Somewhat similar to individual VPA animal waste permits.

Chesapeake Bay Preservation Act

- Administered by the Chesapeake Bay Local Assistance Division of DCR
- 31 eastern Virginia tidewater counties - mainly east of I - 95
- Resource Protection Areas (RPA) - Requires 100 foot wooded or grass buffer from streams, wetlands, rivers, lakes connected to Chesapeake Bay when no BMP's are implemented

Chesapeake Bay Preservation Act (cont)

- May reduce to 50 foot buffer with sediment or nutrient BMP's
- May reduce to 25 feet by implementing soil and water quality conservation plan (includes nutrient management component)
- Other land in Resource Management Areas (RMAs), lands adjacent to RMA's, may require site assessments and plans

Chesapeake Bay Preservation Act Localities

